

MINUTES

SALINA CITY PLANNING COMMISSION
CITY COMMISSION ROOM
Tuesday, January 16, 2007

MEMBERS

PRESENT: Mikesell, Ritter, Schneider, Simpson, Soderberg, Weisel and Yarnevich

MEMBERS

ABSENT: Bonilla-Baker and Funk

STAFF

PRESENT: Andrew, Asche, Burger, Herrs and Place

Item #1. Approval of the minutes of the regular meeting held on December 19, 2006.

The minutes of the December 19, 2006 meeting were approved as presented.

Item #2. Application #SUP07-1, filed by Ben Miller on behalf of Stutzman Greenhouse, Inc. requesting a Special Use Permit to allow a seasonal open air market to be established in a C-3 (Shopping Center) district. The subject property is legally described as Lots 88, 90, 92, 94, 96 and 98 on 9th Street in the Grounds of Kansas Wesleyan, an addition to the City of Salina, Saline County, Kansas, addressed as 1705 S. 9th Street and located at the northeast corner of Cloud and S. 9th Street.

Mr. Andrew presented the staff report, including photographs of the site and visual presentation of the site plan details, which are contained in the case file.

Mr. Simpson asked on the drawing Dean, is this structure, the area it covers is what 160 ft. x 40 ft?

Mr. Andrew stated it is a very large covered area and then there is another structure that is referred to as a cabana that would be at the north end.

Mr. Simpson asked the present grass area is not being used it is just there?

Mr. Andrew stated it is essentially going to be covered by the shade structure. The other grass area is back in the corner there, so, based on

our review the area east of the shade structure is fine for pedestrians and certainly this is not wide enough for vehicles. As we noted, only the far east and far north driveways would be used. The other driveways would be blocked with some form of barricade.

Mrs. Yarnevich asked did this property have a water hookup on it before?

Mr. Andrew stated it did when it was a service station but those lines were removed and capped when the service station was demolished. So there was a place out at the curb stop at the street but there is no line in place anymore.

Mrs. Yarnevich asked is the business responsible for the cost of that hookup?

Mr. Andrew stated the applicant would be responsible for working with our Utility Department for getting a tap and getting a properly sized service line to a yard hydrant or whatever would be appropriate.

Mr. Simpson asked any other questions of Dean? If not, we'll need to stop at this point. Would the applicant or his representative please care to address the Commission?

Ben Miller, Stutzman Greenhouse, South Hutchinson, Kansas, stated thanks for the opportunity be here with you today. A couple of clarifications. It was noted in the presentation that we would be selling produce. We have no intent of selling any product with produce, the only thing that would come close to that would be the decorative products for fall, such as mums, pansies and decorative pumpkins, but as far as other produce that would not be the case.

Mr. Andrew asked so strictly bedding plants?

Mr. Miller stated strictly bedding plants, perennials and very minimal in any nursery material also. As noted on the outlay there, we watched this property a lot close to your rush hour time frames. One of the things we're really trying to make sure that we can accomplish is that the entrances coming in are as far north as possible and as far east as possible to eliminate any of the bottlenecks that's going to be right on that corner at peak times. Plus, the presentation that can be achieved by being right on the corner of 9th and Cloud should also be a great presentation. Our desire is to be a real asset to Salina. We've watched this community for quite some time. We do have a couple other locations aside from our primary location in South Hutchinson. We have one in Pratt and in the northeast part of Hutchinson we also have an outdoor seasonal location. At these locations we do provide restroom facilities through sanitation port-a-potties.

That has worked out very well. Trash service we will be working with local haulers through dumpsters. Water would be required with preferably two hydrants if possible and of course the electrical we would be needing. Does anyone have any questions?

Mrs. Yarnevich asked I was curious, how do you secure your plants overnight?

Mr. Miller stated we're trusting. We really do not close in anything. It is literally a factor of trust in the community. We have had a few at times, but really it is minimal. We would like to think the industry is dealing a lot with people with integrity and but I do realize in some communities that could be a issue but we are anticipating that not to be one here.

Mr. Simpson asked what is your time frame of operation?

Mr. Miller stated setup would be March and opening would be, weather permitting at an outdoor location like this, would be around April 15 or April 20 and product lines going into it would be subject to weather. We anticipate to be here through the fall program of mums and pansies. Typically that will be through the mid to latter part of October. Hours you had a question on, typically would be Monday through Friday, I'm sorry, Monday through Saturday, probably from 8 or 9 a.m. to 7 p.m. or until the traffic kind of dies down. And then Sunday afternoons probably from 1-5 or 1-6.

Mr. Simpson asked you are providing bedding plants, trees of any size?

Mr. Miller stated very minimal, no, no trees.

Mr. Simpson asked no trees and no vegetables?

Mr. Miller stated no, we're strictly in production of producing all that we sell. And, we're primarily into color, with the perennials, the seasonal holiday plants which brings in the mum program in the fall. That photo right there is the Pratt location that is on a large Wal-Mart parking lot and that has worked out quite well. That would give you an idea of the presentation that would be on a corner lot like that.

Mr. Simpson asked the picture of your structure is that the type of signage that will be on that structure?

Mr. Miller stated well, initially the first year we may not be able to get that border signage done. In speaking with Kansas Wesleyan, there are signs, original sign posts on the location, we really haven't decided which direction we would like to go with that. We do quite a bit of things with banners

featuring events and things like that, that would be along the street or off the street.

Mr. Simpson asked what is your lease? Just a year to year lease?

Mr. Miller stated yes.

Mrs. Yarnevich asked and you don't anticipate any other vendors?

Mr. Miller stated no, this is strictly, our model on all site locations from our primary facility in Hutchinson is seasonal and our content depending how the markets go could be more than that.

Mr. Weisel asked in the off season that structure would be taken down?

Mr. Miller stated initially that is the plan yes. We'll have to work something out with Kansas Wesleyan to just leave the structure.

Mr. Weisel asked do you anticipate if you have to take it down that you will store it on the site?

Mr. Miller stated no.

Mr. Simpson asked any questions?

Mrs. Yarnevich stated I was going to ask Dean does the City have any say on the structure being left up from November to March with nothing in it?

Mr. Andrew stated I think that you have a say in that as far as the conditions, I think that it is kind of your decision. I think part of the concern that we would have about something like that is if this is being allowed basically as a temporary, seasonal-type business and if it is there year round it reaches a point where it is no longer temporary or seasonal. So, we think that the removal of that and the site being vacant when it's not in use re-enforces the notion that it's temporary and seasonal. So, that would be your judgment call on that.

Mr. Mikesell stated I have a question for Dean also. Mr. Miller indicated that they didn't know if they were going to use the signage on the face of the structure or use the poles for signage, how will the City determine that where this isn't a permanent structure and in the city signage is based off that building size, how will that be figured?

Mr. Andrew stated I think we would look at this and look at the footprint of the shade structure and look at the frontage it has on Cloud and then on 9th Street and use that to calculate the amount of signage that would be

permitted. I think we would treat it as if it were a structure and assign it a square footage limitation and we would just work with that. Certainly banners are used commonly in the community and we would work with them. If the sign posts are well placed and secured we would come up with some sort of signage limit there, but I think it would be based on the frontage that the structure has on Cloud and 9th Street.

Mrs. Yarnevich asked that's not something we have to determine today?

Mr. Andrew stated we'll see when it goes up and then we'll work with Mr. Miller on signage at that time.

Mrs. Yarnevich asked to do you need the restroom facilities, trash disposal and removal of the structures included in to the conditions when we make the motion?

Mr. Andrew stated if you think that's appropriate, those would probably be appropriate conditions, yes.

Mr. Simpson asked any other questions of Mr. Miller at this point? Ok, thank you sir. Would any members of the public wish to address this application, if you'd please come up and state your name and address please.

Tom Russell, Russell's Greenhouse, 1502 E. Woodland, stated now that's one of the roads that is being effected by the overpass that is being built in Salina. We are only one of two businesses that are being effected by the overpass, John Miller's fruit and vegetable stand and our greenhouse buildings. We've been in business five years. We've bought and paid for the land and we've bought and paid for the buildings with sweat, equity and cash. We didn't do it temporarily. We don't expect anyone else to come in and take our business. That's why I'm here. Temporary businesses take money and the money is going to leave town except for what he pays for salary. He's going to have port-a-potties for 8 months and we have bathrooms that we paid money for. We pay taxes on our land and our buildings and he doesn't have to do that. This conditional permit is such a long, wide range of things. In the past it's been a couple of days a week that a guy could sell fruit and vegetables there or a tree guy could come in for a weekend and that was it. But now he's asking to come in a whole season and he's just the first. What happens if somebody comes in and sets up across the street and takes some more of our business? We're not just the only one, I've contacted all the other people in Salina, Wal-Mart and K-Mart all feel strongly about this. Of course they're not here and they wouldn't have anything to say if they are here, but I have spoken to them about it. We just ask you to consider this, because if you let this big corporation come in, I have nothing against Stutzman, it's a fine

organization, but if you let this guy come in at that location he'll kill us. Because we're outside of town, 10 Acres is outside of town and the other ones are outside of town. It would literally cut our business in half because everyone goes down that road everyday to go to the mall. Period. Two of us will go out of business, you watch, if you approve it. Because they're not going to drive out to our place when they can go there. Now, if you want local people to make the money and distribute the money here in Salina then I'm asking you to disapprove this. Any questions?

Mr. Simpson asked are there any questions for Mr. Russell? Thank you sir. Anyone else?

Jim Waters, 4172 E. Magnolia, owner of Earthcare Services, stated a couple of things that you might consider, I like to listen to this sort of thing and you have to do it because you're on this Commission, but the original purpose for a temporary market you should consider whether this fits into those parameters. One of the things, I'm looking at this drawing, I count 38 parking spaces which would of course include employees. I know, and maybe I'm counting wrong, but I think that's about right. I know for a fact that what you require from places like mine is substantially more than that per square foot of display space. And I want to make darn sure that if you are going to allow this that we keep everything fair. I do know that I'm required to provide restroom facilities in the places that I have and I'm sure you would want to do that. I couldn't imagine you would approve it without requiring restroom facilities. And I think you should probably take a look if 8 months of port-a-potties is what you want in your town or not. A couple things that I think you should consider, I'm not against competition I think it's a good thing and I'm not against them coming to town, but I would sure like to make sure that we're working on a fair playing field. Thank you.

Mr. Simpson asked anyone else?

Phyll Klima, Salina Downtown, Inc., stated and I've had some calls from some constituents in our area, particularly regarding the Farmer's Market and some of the restrictive signage requirements that you have with the Farmer's Market that they have a very short period of time where they're allowed to put the signage up and within 24 hours of the last market day must remove that signage. If you choose to go ahead with this I would expect that you would consider that same kind of signage restriction on this organization and that should be part of that operation. They do have some very strong opinions, some of those constituents, about whether or not this is a fair market practice as well to have this level of organization come in and be on a long term temporary basis in our community.

Mr. Simpson stated thank you. Anyone else?

John Ratzliff, Salina Farmer's Market stated that I guess our issue is that we would like the permit to say "no produce" on it. I know that you have said that he does not wish to sell produce but we would like to make sure that it is taken off of it. And once again, Phyll has talked about the signage issue so I guess that has been covered.

Mr. Simpson asked any questions?

Mrs. Yarnevich asked do you consider the seasonal pumpkins to be produce?

Mr. Ratzliff stated at this time I think we would. We have a lot of vendors selling pumpkins.

Mr. Simpson asked anyone else wish to address the application? There appear to be none so we'll bring it back to the Commission for discussion and action.

Mrs. Yarnevich stated well I don't think we can determine whether or not it is competition or not for the community. I think all we can do is discuss whether this business would fit in this spot according to our ordinances. If we start deciding as a Planning Commission what business can come and go I think we've overstepped our bounds. But, I would say that I would want to see the structure removed at the end of each season and probably the signs also, I mean, if it's going to be a seasonal thing it should be removed. I think the restrooms facilities and trash disposals should probably be included in the conditions to make sure that it happens as it should. Those are kind of my thoughts on it.

Mr. Simpson asked any questions or comments from the Commission?

Mr. Weisel stated my way of thinking is that on this particular thing it seems like an awfully long time to have a temporary thing when you could take it down for a week and put it back up. The signage issue is a big deal there too, because you have to be fair all the way around. I just think something like this may be attractive but it certainly does seem like a case where we having one having to abide by certain rules and then this particular thing is different all together. My thought would be that it looks like a long term temporary thing and the parking to me doesn't look right. I don't know, I would vote against this.

Mrs. Yarnevich asked so the parking is based on the footprint of the display area right?

Mr. Andrew stated it is based on the display area and we do that with a True Value / Earthcare operation or a Wal-Mart where we have a parking

requirement for the square footage of the indoor retail area and a separate, additional and much lower ratio for the outdoor display area. It would be based on that, yes.

Mrs. Yarnevich stated I would agree it doesn't seem exactly like an outdoor market because it's there 7 days a week full-time for the coming months.

Mr. Mikesell stated I have some concerns that I can see this as more of a long term issue. But we talked about this with temporary storage. At some point we're going to need to come up with more definitions of what is a temporary structure and what is non-temporary or what is a permanent structure. Certainly the technology exists to make a covered structure similar to an awning that is on a building that is considered a permanent part of that structure. The only thing that is not permanent about this is that it is removable, but it certainly seems that it is more a permanent-type structure to me than a temporary one.

Mr. Andrew stated annually we have worked with businesses over the years like K-Mart, Wal-Mart, Sutherland's and places like that, that usually seasonally will go out in to their parking lot, certainly with Dillon's Superstore, just about every year out at S. 9th you can count on greenhouses coming out there and being set up on a temporary basis. And the COOP on N. Broadway, we have historically worked with them. The difference with those is that those are treated as an accessory use to an already existing retail business, so that if Waters True Value / Earthcare wanted to set up a temporary seasonal greenhouse in their parking lot and we determined that they had sufficient space, in other words that they weren't going to use required parking, that would be something that we would work with them on. We have historically done that and they have been, in the case of the one at the Dillon's Superstore they are self regulating from the standpoint that usually reach about the first of July or mid-July and they're not selling anymore because they have either sold out or it's not appropriate time to be doing any planting. So, this one is unusual from the standpoint that this is not accessory to another existing business, it's a freestanding business on a vacant corner. So it is somewhat a case of first impression. From that standpoint most of our flea markets and the Downtown Farmer's Market might not quite have the same season but it is going to be pretty close to April through November, it's just that the difference is that this not a weekends only kind of thing. It's going to be there 7 days a week whereas most of our flea markets are on weekends and the Downtown Farmer's Market is primarily Saturdays with occasional evenings in the summer time. The difference here is that it is temporary, but it is 7 days a week.

Mrs. Yarnevich asked will the farmer's market and do other flea markets then feel, flea markets are kind of transient, but will the farmer's market feel

that this should be applied to them and that they can come in 7 days a week if they want to. Will that have any carry over?

Mr. Andrew stated it could. They have not expressed a desire to be open 7 evenings a week. I don't think most of the people there have the time to devote to that. But yes, from a standpoint of the duration and the standpoint that the fact that this is freestanding and not a accessory to a K-Mart, Wal-Mart or Sutherland's or an existing business that's there, or Dillon's, then yes, that part's different. But pretty much every March we work with those established businesses to setup to make sure they are not displacing required parking and to make sure that there are barriers there to protect shoppers from having cars in the parking lot drive through the merchandise display areas, all those types of things. The main difference here is there is not an existing building or business that this is accessory to, it is freestanding. The other difference from our standpoint is that to operate a permanent commercial business in Salina, Kansas you have to have a building that meets all the requirements of the building code. The only exception to that is a temporary structure, which implies that it has a placement date and a removal date. I think it's pretty accurate to say for the most part, except for say the greenhouses at Dillon's and things like that, those are maybe a long weekend event or something like that. You'll have a tool sale that will last 4 days and then a temporary structure goes up for that and then it's removed. This is temporary, but it is a longer extent of temporary, not just a special weekend event.

MOTION: Mrs. Yarnevich stated well I understand the concern of the community, I really do. But, I don't think that I can make that judgment as a Commissioner. If it meets all the criteria and they meet all the conditions I think I'm going to make a motion we approve Application #SUP07-1 with the four conditions set before us with the fifth being restroom facilities, trash disposal, removal of the structure in November and I guess that's the only seven that I would say. Does anyone have any others they would like to put with that?

Mr. Andrew stated I do have one question or clarification is whether we want whether the expectation is that if the applicant wishes to expand the product line that they would need to come back before the Commission to modify that, that you are approving this or voting on it based on the understanding that it's bedding plants only and any change to that would require coming back to you for amendment of the permit.

Mrs. Yarnevich stated ok so that would be condition #7, bedding plants only.

Mrs. Soderberg stated I'm curious why we're allowing plants as competitive items but not produce. I mean, what is your thinking?

Mrs. Yarnevich stated well I think his main business is the bedding plants and then he was not going to sell any produce but pumpkins are actually produce. So that's what I thought about that.

Mr. Weisel stated that's the kind of trouble with this whole thing is we're kind of twisting and turning it to make it fit this and I just don't see how this is the right thing to do for this particular location. The issue you touched on before is we're opening the box on these things and you're doing that and do we want these types of structures all over the city now. Where do we draw the line? Is it this or can we have open air restaurants? This kind of thing is not a bad looking structure but I'm just not sure that we want to have these things all over the city. And I do think that this is a permanent facility masquerading as a temporary facility. Say what you like, but if it's going to be up 8 or 9 months a year and we can take it down for one day and put it back up it's not a temporary facility. I would encourage a no vote on this because I don't think it's the right direction to go.

Mr. Simpson we have a motion. Is there a second to the motion?

SECOND: Mrs. Soderberg.

Mr. Simpson stated the motion has been seconded. Any further questions or comments?

Mr. Andrew stated there is one other comment or suggestion that what we have done in the past with some of these is that we have in lieu of having an administrative renewal the next year that we have brought the item back for Planning Commission review where we present a report and give you information about how the operation went the previous year. Also, you could judge that for yourself in determining whether you want it remain in this location next year. I would offer that as opposed to having an automatic administrative renewal since this one is somewhat a case of first impression. If you want it to have this come back before you next January before this location is renewed, that is a possible option as well if we go that direction.

Mrs. Soderberg stated I would like to see that.

Mrs. Yarnevich stated I would too. That's a good idea. So that this comes up before the Planning Commission.

Mr. Andrew stated right, we've had that happen to a couple of our flea markets where we brought back to you a report of how things went before they were renewed for the next year.

Mr. Simpson stated we have the motion amended and it's been seconded and approved. Any questions or comments? If you're ready to vote on the application, with approval of the application with the stated conditions. All those in favor please indicate by saying "aye", all opposed "nay".

There was a voice vote of Commissioners.

Mr. Andrew stated Laurie will you ask them for a show of hands.

Ms. Asche stated alright. A show of hands of all those in favor.

Mr. Simpson stated show of hands of those voting aye and of those voting nay.

VOTE: Motion carried 4-2. (Mikesell and Weisel opposed). (Schneider abstaining).

Item #3. Application #PDD81-4J, filed by Investment Properties of America, requesting an amendment of the Central Mall PDD and a change in zoning district classification from PDD (R-2.5) (Multi-Family Residential) to PDD (C-3) (Shopping Center) on a portion of Lot 1, Block 9 in the Central Mall Subdivision to allow an additional sign area for mall tenants along South 9th Street.

Mr. Andrew presented the staff report, including visual presentation of the site location, which is contained in the case file.

Mr. Simpson asked any questions of Dean at this point? Would the applicant care to address the Commission? State your name and address please.

Kevin Mahieu, Central Mall, 2259 S. 9th Street, stated the purpose in rezoning this little parcel adjacent to what was designated the mall proper, that is I guess a multi-family housing zone right now, is that we have been in negotiations which I'm sure some of you are aware with Old Navy. We are very close to doing a deal and this hinges on it. The existing anchor tenants at the mall have what they call REA's or Restricted Easement Agreements and unfortunately when the malls back in the 80's were first developed the anchor tenants had all kinds of control over the property and what the owners of the shopping center did. They will not approve Old Navy signage on the building. Why, I'm not sure because it's only going to generate a lot of traffic to the mall and ultimately to Salina and Saline County. So, in order to get around this there is that little bitty parcel, 2,200 sq. ft. right there just outside the mall proper that their REA's do not have any jurisdiction over. All we're asking for is just 2,200 sq. ft. where we can build a pylon sign and have Old Navy at the top and we're going to bring Old Navy to your town.

Mr. Simpson asked now it would just be an Old Navy sign then or any other mall tenants?

Mr. Mahieu stated it possibly could have maybe two or three other tenant signs under it. Maybe some future tenants that we bring. But Old Navy would be at the top and it would be prominent at the top and it is specifically to get this Old Navy deal done and we feel it is pivotal and if we can do this we're going to bring a lot of other retailers to town.

Mr. Simpson asked now are they looking at a pad structure or are they within the mall?

Mr. Mahieu stated yes, they are within the mall. I don't know if you're familiar with Maurice's but they just did a relocation. And Maurice's old location there is also a large empty vacant space that we're using for maintenance right now. It's going to be a total of about 1200 sq. ft. and it's going to be where the Carlos O'Kelly's is at the front of the mall you would walk straight to or straight back and right there would be an Old Navy store there.

Mrs. Soderberg asked 1200 sq. ft?

Mr. Mahieu stated I'm sorry 12,000 sq. ft.

Mr. Simpson asked any questions?

Mr. Ritter can you work with that requirement on the size of the signage?

Mr. Mahieu stated yes I believe so.

Mr. Andrew stated what we tried to look at, we looked at some other models. If you look at Dillon's Southgate or some of those other places where you've got the primary tenant has so much sign area and then a listing of others underneath, we looked at that. The 240 sq. ft. would be consistent with the other areas where you had the primary tenant on top and you still had, I think the 240 sq. ft. would give them space if there are other tenants that will be out there. John could you go back to that aerial photo. Just again, to clarify the location, this is a vacant outlot and this is a vacant outlot and the boundary of the mall proper is right here. This is a platted but unbuilt cul-de-sac that may or may not ever get built. This piece serves no function as far as the development of housing on that. It's far away from any future residents and people would identify that with the north mall entrance. So, that's why it was identified and selected because it's really not useful for much else.

Mrs. Soderberg asked who owns that property?

Mr. Andrew stated it is part of Investment Properties of America's holdings, but itself it is not on the platted lot for the mall.

Mrs. Soderberg asked so that's why the REA's don't apply?

Mr. Andrew stated yes that's why the REA's don't apply.

Mrs. Soderberg asked how would that restriction on signage affect future use of that property? If that were to be rezoned I suppose commercially that would be deducted from the signage area.

Mr. Andrew stated it would be deducted from the signage that was available there. We had a similar arrangement when Office Max came into Salina. As you recall they are on a frontage road, that's their public street access. They made an arrangement with the developer to put their sign out there on 9th Street on what's essentially Subway's property. So when Subway went out there their signage was reduced based on what Office Max already had. Target has the same thing as well. They have a sign on substation property out on 9th Street and not on their own lot. So, this would be somewhat similar to that but it's so far from, even if you did build multi-family housing, this piece is so close to 9th Street and so far removed from that, that it is really only yard area to mow and it doesn't have any useful purpose.

Mrs. Soderberg asked can you give me an example of a 240 sq. ft. sign size?

Mr. Mikesell stated 20 ft. x 12 ft..

Mr. Andrew stated the sign that you see at Lowe's on Schilling Road that was designed for, there are two large lots there, one for Lowe's and a second large lot there and their sign was placed there to accommodate Lowe's and the future user or users below that and that sign is right about 240 sq. ft.

Mrs. Yarnevich asked so that's the kind of thing we're looking at?

Mr. Mahieu stated yes ma'am.

Mr. Andrew stated I thought maybe we had that.

Mrs. Soderberg stated great response.

Mr. Andrew stated somebody is awake over there.

Mr. Simpson asked any other questions? Alright, thank you sir. Does anyone else wish to address this application? There being none, we'll bring it back to the Commission for discussion and action.

Mrs. Soderberg stated I can not imagine what would happen to us if we stood in the way of Old Navy. Others make these motions so much better than I do. Margaret proceed.

MOTION: Mrs. Yarnevich stated I make a motion that we approve Application #PDD81-4J with the condition on the signage.

Mr. Andrew stated do you want to put that back up there on the screen John.

Mrs. Yarnevich stated I tried to write it down but I didn't get it all.

Mr. Simpson stated one pole sign.

Mr. Andrew stated the term pole sign generally applies to one pole and on a pylon sign generally you have two supports and it could be either one.

Mrs. Yarnevich asked either one?

Mr. Andrew stated yes.

SECOND: Mrs. Soderberg.

VOTE: Motion carried 7-0.

Item #4. Presentation of 2006 Annual Report.

Mr. Andrew stated every year in January the various boards and commissions that are appointed by the City Commission are asked to report back to the Commission on their activities and accomplishments in the previous year and also to report on member attendance, to see the number of meetings you are conducting and what those meeting have entailed. So we have given you a draft report that we have prepared kind of summarizing what was done in the way of development applications. Certainly looking at the North Ohio Corridor and Overpass project and a summary of the major site plans that you have reviewed including the Blood Platelet Center that is under construction, a large administrative office building on Schilling Road and new restaurants in the Riffel Addition on South 9th. We also looked at what we refer to as the Pumpkin Patch property on South 9th where there was a request to rezone it. One that did not get put on the list is the filling station at Santa Fe and Beloit, but with the Shalimar Plaza Nursing Home

and Hawthorne Elementary School we were looking at finding a reuse for existing structures. We renewed the Landscaping Awards program which has been an appreciated item. We have provided for you our computation of member attendance and I think you have for you at your places there a little colored spreadsheet, that's what we use to track attendance and to come up with attendance percentages. We are at full membership and we have had no resignations or people leaving and all members whose 3 year terms expired have been reappointed. We've had some changes during the year of having Dustin Herrs come on board as a new planner and Laurie Asche as the new Planning Secretary. So we've reported on that. Some of the goals or unfinished business that we have been working on or not working on and pushing year to year, but certainly if there are items from the zoning administration standpoint or things the Commission feels we need to do a better job on of education or clarifying for the Commission or flaws in our processes or ordinances those could certainly be added as items you'd like the Commission to look at. A lot of these things here are carryover items identified in the past that are still on the hit list so to speak. We invite you to look at the member information or contact information, the attendance and certainly the goals and see if there are things there that you can identify that you'd like to see modified or added before this gets sent to the City Commission.

Mrs. Soderberg asked to what do you attribute the decrease from 41 cases heard in 2005 to 27 in 2006?

Mr. Andrew stated I think a lot of that has to do with our cycle of residential subdivisions and platting. It tends to be in Salina a kind of cyclical thing that when it looks like we're running out of lots people go out and plat new subdivisions and then they absorb lots. If you track it, which we do, we had in 1998 half a dozen residential subdivisions and between there and about 2003 we had one subdivision that came before the Planning Commission in a 5 year period. In 2003 and 2004 and 2005 we had a number of plats. So, when you look at a new subdivision you're looking at a preliminary plat, you're looking at appropriate zoning, you're looking at in some cases annexation, you're looking at a final plat. So the Planning Commission is looking at that at multiple stages and multiple applications. In 2005 we had a number of those and in 2006 we didn't have any. That's partially what I attribute that to is we haven't had a lot of subdivision activity. We've had a pretty good supply of commercial land available and so you're not seeing a lot of applications where people are taking agricultural or residential land and trying to rezone that for commercial use because there is a pretty good supply of commercial land right now in the city. I think those are the two things. But when we look at the cyclical things, we'll have years go by where nobody is doing residential subdivisions and then we'll have years where everybody thinks we have a shortage of lots and it's time to plat some more. So that's partially what I attribute that to.

Mr. Simpson asked any other comments or thoughts on the draft report?

Mr. Andrew stated we are going to try and come up with some initiatives this spring on xeriscaping and what we can do there educationally and encouragement wise or through our regulations to increase awareness of that and the use of that as opposed to water intensive landscaping.

Mr. Simpson stated I'm in support of that.

Item #5. Election of Officers.

Mr. Andrew we've kind of given you a summary there of regular agenda stuff. But we missed the boat completely on our usual cycle. Nobody seemed to notice too much.

Mrs. Yarnevich stated Jerry did.

Mr. Andrew stated one thing I noticed is Mr. Funk continued to show up to the BZA meetings, so that was good. We are at a point where what we are doing is looking at positions and how they would be occupied until the first meeting in September where we would have a change over and we would have some terms that will expire. Mr. Simpson has served one full term as the Chairman and Mrs. Yarnevich has served one full term as the Vice-Chair. Those positions are eligible for up to two consecutive terms, so Mr. Simpson is eligible for re-election for that position through the end of August this year. Mrs. Yarnevich is eligible for re-election for the Vice-Chairman position. They are each eligible for the other position as well. Mr. Funk is not here today but he has been the Commission's representative and he can continue to serve if he is interested. The fact that he continues to show up to the Board of Zoning Appeals meetings means he's probably still interested. So despite the fact that he's not here today, my conversations with him indicate that he's still willing to serve in that capacity. Currently Mrs. Yarnevich is serving as your liaison or representative on the Heritage Commission which meets quarterly unless they have special meetings for particular filed applications. In terms of the order of things, I would accept nominations from the Commission for the position of Chairman and then when that position is filled then I'll turn it over to the Chairman for the rest of the positions.

MOTION: Mrs. Yarnevich states I would like to nominate Jerry Simpson for Chairman.

SECOND: Mr. Mikesell.

Mrs. Soderberg stated I can't imagine things running any smoother.

Mr. Andrew asked is there a motion that nominations cease?

Mrs. Soderberg stated I move that nominations cease.

SECOND: Mr. Mikesell.

Mr. Andrew states we have one nomination for position of Chairman, all of those in favor say "aye".

VOTE: Motion carried 7-0.

Mr. Andrew stated I will turn it over to the Chairman for the other positions to accept nominations for Vice-Chairman and the other two.

Mr. Simpson stated I will accept nominations for Vice-Chair.

MOTION: Mr. Mikesell stated I would like to nominate Margaret Yarnevich.

SECOND: Mrs. Soderberg.

Mr. Simpson stated it's been moved and seconded. Any other nominations? Let's just bulk these together shall we. How about our Heritage Commission member?

Mrs. Soderberg stated if Mrs. Yarnevich is willing to serve again I nominate her.

Mrs. Yarnevich states I would be happy to serve again.

Mrs. Soderberg stated I also nominate Mr. Funk as our member for the Board of Zoning Appeals.

Mr. Simpson stated alright, we've heard the nominations for the Vice-Chair, Heritage Commission member and Board of Zoning Appeals member. Is there a second to those nominations?

SECOND: Mr. Mikesell

VOTE: Motion carried 7-0.

Item #6. Other Matters.

Mr. Andrew stated we kind of have a meeting scheduled for the 6th of February. We are not certain at this time of outside applications but we would like to devote a certain portion of that to discuss some education and some updating on our current sign code which is in the Zoning Ordinance

and also about trends in the industry. What we were looking at doing was a half and half presentation where we would kind of give you an overview of our current sign code and how it works or how it doesn't work and then we would have Mr. Mikesell brief you a little bit about what's going on in the sign industry. We're finding our sign code is fairly old, but there are changes that are coming down through the sign industry in terms of animation and graphics and things like that that are almost moving faster than we can. We can address some things by interpretation, by saying this is like this, but there are some things that will require something to be addressed in the code and also requires that we do a good job of educating you about what our code currently says or doesn't say and give you some guidance on some of the changing trends. We had a definition of a changeable copy sign and the definition was that is a sign that you can go up there and change the letters on. Well, now on a changeable copy sign you can sit at a keyboard in your office and type in the text and it will appear on the sign out front. So, we want to spend a little time educating you on how our sign code is structured and have Patrick kind of give you a briefing on what's coming down the pike as far as changes in the sign industry and what you can expect to see when proposals may come before you that you may be asked to decide on. It will put us a little bit a head of the curve on that. So we want to devote some time on that and we want to give the private sector or those in the industry a little time because quite frankly they know a lot better than we do what's changing in the sign industry. We know that for sure on the 6th and we may have some other open air markets for you to look at.

Mr. Simpson stated alright.

Mrs. Yarnevich asked will it be earlier than 4 o'clock?

Mr. Andrew stated we weren't necessarily planning to, because if we don't have a large agenda, and there wouldn't be a large agenda, then there wouldn't be a reason to move it up.

Mrs. Yarnevich stated so you'll do the agenda and then do the report.

Mr. Andrew stated we'll try to assist Patrick on whatever graphics he would like to show but we think that we're a little bit behind on anticipating what types of new signs that may be proposed in the community at this time. That's all we have for you this evening.

Mr. Simpson stated very good. If there are no other issues then we are adjourned.

Meeting adjourned at 5:16 p.m.

Dean Andrew, Secretary

ATTEST: _____